

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO,
et al.,

Debtors.¹

PROMESA
Title III

No. 17 BK 3283-LTS

(Jointly Administered)

EMPRESAS OMAJEDE INC.

v.

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO,

Debtor.

PROMESA Title III

**This filing relates only to the
Commonwealth and shall only be
filed in Case No. 17-3283.**

Re: ECF No. 23468

**URGENT MOTION FOR EXTENSION OF DEADLINES REGARDING
EMPRESAS OMAJEDE'S MOTION FOR ALLOWANCE AND PAYMENT OF
ADMINISTRATIVE EXPENSE CLAIM**

¹ The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (the "Commonwealth") (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority ("PBA", and together with the Commonwealth, COFINA, HTA, ERS, and PREPA, the "Debtors") (Bankruptcy Case No. 19-BK-5532-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

To the Honorable United States District Court Judge Laura Taylor Swain:

The Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”) and the Commonwealth of Puerto Rico (the “Commonwealth”), by and through the Oversight Board, as the sole Title III representative of the Commonwealth pursuant to Section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”),² respectfully submits this urgent motion for an entry of an order (the “Urgent Motion”), substantially in the form attached hereto as **Exhibit A** (the “Proposed Order”), extending the deadlines in the *Order Granting Urgent Unopposed Motion for Extension of Deadlines Regarding Empresas Omajede’s Motion for Allowance and Payment of Administrative Expense Claim* [ECF No. 23468] (the “Scheduling Order”). Counsel for the Oversight Board and the Commonwealth has reached out to counsel for Empresas by email and phone on February 9, February 10, February 13, February 14, and February 15, 2023 to determine Empresas’ position on this motion, but as of this filing, has not received a response. In support of the Urgent Motion, the Commonwealth states as follows:

REQUEST FOR RELIEF

1. On January 18, 2023, Empresas Omajede Inc. (“Movant”) filed *Empresas Omajede’s Motion for Allowance and Payment of Administrative Expense Claim Pursuant to 11 U.S.C. § 503* [ECF No. 23272] (the “Motion”), seeking payment of certain asserted administrative expenses, as described further in the Motion.

2. On January 19, 2023, the Court entered an order setting deadlines for responsive papers and reply papers [ECF No. 23279]. On February 2, 2023, the Court entered the

² PROMESA is codified at 48 U.S.C. §§ 2101–2241.

Scheduling Order, extending these deadlines. Pursuant to the Scheduling Order, the deadline to file (i) responsive papers to the Motion is February 15, 2023 at 5:00 p.m. (Atlantic Standard Time) (the “Response Deadline”) and (ii) the Movant’s reply papers is February 22, 2023 at 5:00 p.m. (Atlantic Standard Time) (the “Reply Deadline”). The Motion will thereafter be taken under submission, unless the Court determines a hearing is necessary.

3. The Commonwealth is currently analyzing its books and records, together with information provided by Empresas in connection with the claims reconciliation process, in an attempt to reconcile the assertions in the Motion. Accordingly, in order to permit the Commonwealth to complete its assessment, the Commonwealth respectfully requests an extension of the (a) Response Deadline from February 15, 2023 to **March 8, 2023 at 5:00 p.m. (Atlantic Standard Time)**, and (b) Reply Deadline from February 22, 2023 to **March 15, 2023 at 5:00 p.m. (Atlantic Standard Time)**.

4. Counsel for the Oversight Board and the Commonwealth has tried on multiple occasions to contact counsel for Empresas. Specifically, counsel for the Oversight Board and the Commonwealth reached out to counsel for Empresas by email and phone on February 9, February 10, February 13, February 14, and February 15, 2023 to determine Empresas’ position on this motion. As of this filing, however, counsel for the Oversight Board and the Commonwealth has not received a response.

5. Pursuant to Paragraph I.H of the *Sixteenth Amended Notice, Case Management and Administrative Procedures* [EF No. 20190-1] (the “Case Management Procedures”), the Oversight Board hereby certifies that it has carefully examined the matter and concluded that there is a true need for an urgent motion; it has not created the urgency through any lack of due diligence; has made a bona fide effort to resolve the matter; and has attempted to make reasonable, good-faith

communications in an effort to resolve or narrow the issues being brought to the Court, including by email and phone on February 9, February 10, February 13, February 14, and February 15, 2023, but has not received a response.

NOTICE

6. The Oversight Board has provided notice of this Urgent Motion in accordance with the Case Management Procedures to the following parties: (a) the Office of the United States Trustee for the District of Puerto Rico; (b) the entities on the list of creditors holding the 20 largest unsecured claims against COFINA; (c) counsel to the statutory committee appointed in these Title III cases; (d) the Office of the United States Attorney for the District of Puerto Rico; (e) counsel to the Oversight Board and AAFAF; (f) all parties filing a notice of appearance in these Title III cases; and (g) Movant. A copy of the motion is also available at <https://cases.ra.kroll.com/puertorico>.

WHEREFORE the Oversight Board requests the Court enter the Proposed Order and grant such other relief as is deemed just and proper.

Dated: February 15, 2023
San Juan, Puerto Rico

Respectfully submitted,

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*Attorneys for the Financial Oversight
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representative for the Commonwealth
of Puerto Rico*

CERTIFICATE OF SERVICE

I hereby certify that, on this same date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notifications of such filing to all CM/ECF participants in this case.

/s/ Hermann D. Bauer
Hermann D. Bauer

EXHIBIT A

Proposed Order

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

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**This filing relates only to the
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Re: ECF No. 23468

**ORDER GRANTING URGENT MOTION FOR EXTENSION OF DEADLINES
REGARDING EMPRESAS OMAJEDE'S MOTION FOR ALLOWANCE AND
PAYMENT OF ADMINISTRATIVE EXPENSE CLAIM**

¹ The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (the "Commonwealth") (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority ("PBA", and together with the Commonwealth, COFINA, HTA, ERS, and PREPA, the "Debtors") (Bankruptcy Case No. 19-BK-5532-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

Upon consideration of the *Urgent Motion for Extension of Deadlines Regarding Empresas Omajede's Motion for Allowance and Payment of Administrative Expense Claim* (Docket Entry No. ____ in Case No 17-3283, the "Urgent Motion");² and the Court having found it has subject-matter jurisdiction over this matter pursuant to PROMESA section 306(a); and it appears that venue in this district is proper pursuant to PROMESA section 307(a); and the Court having found the Oversight Board provided adequate and appropriate notice of the Urgent Motion under the circumstances and no other or further notice is required; and upon the record herein, after due deliberation thereon, the Court having found good and sufficient cause exists for the granting of the relief as set forth herein:

1. The Urgent Motion is **GRANTED** as set forth herein.
2. The Scheduling Order shall be modified as provided herein.
3. The following briefing schedule shall apply:
 - a. The deadline for parties to file responsive papers to the Motion shall be **March 8, 2023 at 5:00 p.m. (Atlantic Standard Time)**.
 - b. The deadline for the Movant to file a reply to all oppositions and responses shall be **March 15, 2023 at 5:00 p.m. (Atlantic Standard Time)**.
4. The Court will thereafter take the Motion on submission.
5. The Court shall retain jurisdiction to hear and determine all matters arising from the implementation of this Order.

SO ORDERED:

Dated: [], 2023

HONORABLE LAURA TAYLOR SWAIN
United States District Judge

² Capitalized terms not otherwise defined herein shall have the meanings given to them in the Urgent Motion.